REMARKS

In the final Office Action, the Examiner rejects claims 1-3, 6, 7, 9, 10, 12, 13, 16, and 17 under 35 U.S.C. § 102(e) as anticipated by KARVE (U.S. Patent Application Publication No. 2002/0137530); rejects claim 4 under 35 U.S.C. § 103(a) as unpatentable over KARVE in view of DEHLIN (U.S. Patent Application Publication No. 2004/0203942); and rejects claim 5 under 35 U.S.C. § 103(a) as unpatentable over KARVE in view of SABO (U.S. Patent Application Publication No. 2003/0096626). Applicants respectfully traverse these rejections.[1]

By way of the present amendment, Applicants propose amending claims 1, 9, 12, and 16 to improve form. No new matter has been added by way of the present amendment. Claims 1-7, 9, 10, 12, 13, 16, and 17 remain pending.

REJECTION BASED ON KARVE

Claims 1-3, 6, 7, 9, 10, 12, 13, 16, and 17 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by KARVE. Applicants respectfully traverse this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. KARVE does not disclose or suggest the combination of features recited in claims 1-3, 6, 7, 9, 10, 12, 13, 16, and 17, as currently amended.

[1] As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions regarding dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

For example, independent claim 1 is directed to a method for providing SMS messages to a receiving party associated with a plurality of devices. The method includes receiving a SMS message for a first device of the plurality of devices; identifying a second device of the plurality of devices as a preferred device instead of the first device for receiving the SMS message based on information stored by the receiving party; formatting the SMS message according to characteristics of the preferred device; and sending the formatted message to the preferred device. KARVE does not disclose or suggest this combination of features.

For example, KARVE does not disclose or suggest identifying a second device of the plurality of devices as a preferred device instead of the first device for receiving the SMS message based on information stored by the receiving party. The Examiner relies on paras. 0032-0035 of KARVE for allegedly disclosing identifying a second device for the plurality of devices as a preferred device for receiving the SMS message based on information stored by the receiving party (final Office Action, pg. 5). Applicants respectfully submit that neither the above section of KARVE nor any other section of KARVE discloses or suggest the above feature of amended claim 1.

At para. 0032-0035, KARVE discloses:

> The save, delete and edit message options illustrated in steps 36, 38, 40 are understood by those of skill in the art. However, in accordance with the present invention, the program code also offers an option to forward the received message at step 42. At step 42, a list of forwarding addresses is displayed on the display 12. The list includes phone numbers previously added to the list by the user. The user may scroll through the list and at step 44 select one or more of the numbers. Step 44 also allows the user to add one or more new numbers to the list. After the user has selected or specified the phone numbers to which the message is to be forwarded, step 46 is executed. At step 46, the short message is sent via the SMS center to the selected destinations. In order to forward the message to multiple destinations, in the presently preferred embodiment, the message is sent to the SMS center multiple times, once for each destination address. Thus, the program

> code directs the short message to be forwarded to the other device using the selected forwarding address.
>
> However, as will be understood by those of ordinary skill in the art, with the appropriate programming at the SMS center or by allowing the user to define forwarding address lists stored at the SMS center, it is possible to send the message once to the SMS center, with the header portion of the message identifying a pointer to a multiple destination address stored in a memory at the SMS center.
>
> Referring now to FIG. 4, a flow diagram of a sequence of steps of set up options of the call forwarding feature is shown. The call forwarding set up options preferably are accessed via selecting an option from a main menu. Once the call forwarding set up option is selected, the telephone 10 program code proceeds to step 50, which is the step for activating automatic message forwarding. That is, when automatic message forwarding is activated, messages received by the telephone 10 are forwarded in accordance with the selected automatic forwarding option described below.
>
> A first option, step 52, is to automatically forward all messages to a predefined number or numbers. In step 52, the user defines the number or numbers to which all received short messages are to be forwarded. A second option, step 54, is to forward all messages received from one or more predetermined senders, as defined on a list, to one or more predefined numbers. At step 54, the user is prompted to enter the predetermined sender addresses (phone numbers) and subsequently, to enter the forwarding number(s). As an alternative to step 54, at step 56, the user can select to forward all messages except for those messages received from one or more predetermined senders, as defined on a list, to one or more predefined numbers. The option at step 56 thus allows the user to receive important messages and forward messages from senders not deemed to be as important or urgent. Similar to step 54, at step 56, the user is prompted to enter the predetermined sender addresses (phone numbers) and subsequently, to enter the forwarding number(s).

This section of KARVE discloses that a telephone 10 includes program code that allows telephone 10 to perform call forwarding of SMS messages. This section of KARVE discloses that the user of telephone 10 defines the number or numbers to which all or a defined set of short messages are to be forwarded. This section of KARVE does not disclose or suggest identifying a second device of a plurality of devices associated with a receiving party as a preferred device

instead of a first device for receiving a SMS message based on information stored by the receiving party, as recited in amended claim 1. As indicated above, KARVE merely discloses that a telephone 10 forwards SMS messages to number(s) defined by the user of telephone 10.

Since KARVE does not disclose all of the features of claim 1, KARVE cannot anticipate claim 1.

For at least the foregoing reasons, Applicants submit that claim 1 is not anticipated by KARVE.

Claims 2, 3, 6, and 7 depend from claim 1. Therefore, these claims are not anticipated by KARVE for at least the reasons given above with respect to claim 1. Moreover, these claims recite additional features not disclosed or suggested by KARVE.

For example, claim 3 recites that sending the formatted message comprises sending the formatted message to an e-mail address. The Examiner relies on paras. 0008 and 0028 of KARVE for allegedly disclosing this feature (final Office Action, pg. 5). Applicants respectfully disagree with the Examiner's interpretation of KARVE.

At para. 0008, KARVE discloses:

> Short messages can be sent and received simultaneously with GSM voice, data and fax calls because short messages travel over and above the radio channel using the signaling path. To use SMS, users need a subscription to a mobile telephone network that supports SMS and a mobile phone that supports SMS. SMS messages are usually sent between mobile phones. However, messages can also be sent to/from a fax machine, a PC or an Internet address.

This section of KARVE discloses that SMS messages can be sent to/from a fax machine, a personal computer (PC), or an Internet address. This section of KARVE does not disclose or suggest sending the formatted message to an e-mail address, as recited in claim 3.

Para. 0028 of KARVE is reproduced above. This section of KARVE discloses that telephone 10 sends a short message to an SMS center, which looks at the header information of the message, adds some additional header information, and then tries to send the user data to the recipient or destination address. This section of KARVE does not disclose or suggest sending the formatted message to an e-mail address, as recited in claim 3.

With respect to the above arguments, the Examiner alleges:

> the examiner interprets the limitation "sending the formatted message to an e-mail address" to read on "messages can also be sent to/from a fax machine, a PC or an Internet address". Since Karve also discloses that SMS messages can be sent to a PC or an Internet address (see [0008]), therefore Karve discloses the claimed limitation of "sending the formatted message to an e-mail address"

(final Office Action, pg. 3). Applicants disagree with the Examiner's allegations.

Applicants submit that sending a SMS message to a PC or an Internet address does not necessarily involve sending a formatted message to an e-mail address, as recited in claim 3. The Examiner has not pointed to any section of KARVE that supports this allegation. Accordingly, the Examiner has not established a proper case of anticipation with respect to claim 3.

For at least the foregoing reasons, Applicants submit that claim 3 is not anticipated by KARVE.

Claim 7 recites storing messages in a database when the preferred device is not available to receive messages. The Examiner relies on para. 0030 of KARVE for allegedly disclosing this feature (final Office Action, pg. 6). Applicants respectfully disagree with the Examiner's interpretation of KARVE.

At para. 0030, KARVE discloses:

> The sequence of steps begins with the telephone 10 receiving a short message as indicated at 30. Once a short message is received, the message can be

> immediately displayed on the screen 12 or an icon indicating receipt of the message can be displayed or otherwise indicated to the user. In either case, the message is stored in the memory 24. When the user desires to read the message, the user issues the appropriate commands as understood by those of ordinary skill in the art, until the message is displayed on the screen, step 32. At step 34, the program code of the present invention offers a plurality of options to the user. A first option, step 36, is to save the message, in which case the message is saved in the memory 24. Once the message is saved, the message forwarding routine proceeds to an end step 48. A second option, step 38, is to delete the message, in which case the message is not saved to the memory 24. Like the save message step 36, the delete message step 38 is proceeded by the end step 48.

This section of KARVE discloses that a user may elect to store received SMS messages in telephone 10. This section of KARVE does not disclose or suggest storing messages in a database when the preferred device is not available, as recited in claim 7.

With respect to the above arguments, the Examiner alleges:

> Karve discloses that SMS is a store and forward service (see [0007]) and more specifically that "the message is stored in the memory 24. When the user desires to read the message, the user issues the appropriate commands as understood by those of ordinary skill in the art, until the message is displayed on the screen" (see [0030]) The examiner interprets that the teaching of message can be stored for the later use or when the user is available. Therefore, Karve suggests the use of storing messages in a database when the preferred device is not available

(final Office Action, pp. 3-4). Applicants disagree with the Examiner's allegations.

KARVE discloses storing a SMS message in a memory 24 of telephone 10. KARVE does not disclose or suggest that memory 24 is or includes a database. Moreover, storing a message for later use or when a user is available is not equivalent to storing messages in a database when a preferred device is not available, as recited in claim 7. The Examiner does not point to any section of KARVE that supports the Examiner's allegation. Thus, a proper case of anticipation has not been established with respect to claim 7.

For at least the foregoing reasons, Applicants submit that claim 7 is not anticipated by KARVE.

Amended independent claims 9, 12, and 16 recite features similar to (yet possibly of different scope than) features described above with respect to claim 1. Therefore, Applicants submit that claims 9, 12, and 16 are not anticipated by KARVE for at least reasons similar to reasons given above with respect to claim 1.

Claim 10 depends from claim 9. Therefore, this claim is not anticipated by KARVE for at least the reasons given above with respect to claim 9. Moreover, this claim is not anticipated by KARVE for reasons of its own.

Claim 10 recites a feature similar to (yet possibly of different scope than) a feature described above with respect to claim 7. Therefore, Applicants submit that claim 10 is not anticipated by KARVE for at least reasons similar to reasons given above with respect to claim 7.

Claim 13 depends from claim 12. Therefore, this claim is not anticipated by KARVE for at least the reasons given above with respect to claim 12. Moreover, this claim is not anticipated by KARVE for reasons of its own.

Claim 13 recites a feature similar to (yet possibly of different scope than) a feature described above with respect to claim 7. Therefore, Applicants submit that claim 13 is not anticipated by KARVE for at least reasons similar to reasons given above with respect to claim 7.

Claim 17 depends from claim 16. Therefore, this claim is not anticipated by KARVE for at least the reasons given above with respect to claim 16.

REJECTION BASED ON KARVE AND DEHLIN

Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over KARVE in view of DEHLIN. Applicants respectfully traverse this rejection.

Claim 4 depends from claim 1. The disclosure of DEHLIN does not remedy the deficiencies in the disclosure of KARVE set forth above with respect to claim 1. Therefore, Applicants submit that claim 4 is patentable over KARVE and DEHLIN, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

REJECTION BASED ON KARVE AND SABO ET AL.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over KARVE in view of SABO et al. Applicants respectfully traverse this rejection.

Claim 5 depends from claim 1. The disclosure of SABO et al. does not remedy the deficiencies in the disclosure of KARVE set forth above with respect to claim 1. Therefore, Applicants submit that claim 5 is patentable over KARVE and SABO et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims. Applicants respectfully request that the present amendment be entered because the present amendment places the application in better form for appeal.

While the present application is now believed to be in condition for allowance, should the Examiner find that some issue remains unresolved, or should any new issues arise which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone to expedite prosecution of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY SNYDER, L.L.P.

By: /John E. Harrity/
John E. Harrity
Registration No. 43,367

Date: December 27, 2006

11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800

Customer Number: 25537